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THOMAS E. ANDERSON
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OFFICE OF PETITIONS

In re Application of :
Michael Farmwald et al : DECISION GRANTING
Application No. 10/716,596 : PETITION
Filed: November 20, 2003 :
Attorney Docket No. 57941.000063 :
:

This is a decision on the petition under 37 CFR 1.182, filed August 17, 2004, which is being treated as a petition under 37 CFR 1.53(e), requesting that the above-identified application be accorded a filing date of November 20, 2003, with pages 1-17 as a part of the original disclosure.

The petition is **GRANTED**.

The application was filed on November 20, 2003. On August 9, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (Notice)" stating that the application had been accorded a filing date of November 20, 2003, but that pages 1-17 of the specification appeared to have been omitted from the application.

In response to the Notice, applicants timely filed the present petition on August 17, 2004 and argue that pages 1-17 were filed with the application on November 20, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing "125 pages specification." The petition also encloses copies of pages 1-17 purportedly filed on November 20, 2003.

In view of the evidence presented, the Office concludes that pages 1-17 were filed on November 20, 2003, but were later misplaced. Accordingly, the petition is granted.

The \$130.00 petition fee is being credited to Deposit Account No. 50-0206 as authorized.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for further

processing with the filing date of November 20, 2003, using the application papers filed on that date, and the copy of pages 1-17 of the specification supplied with the present petition, and for indicating in the USPTO record that pages 1-17 of the specification were present on filing.



Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy